

entry and consideration of this Amendment and Petition, the Assistant Commissioner is authorized to charge any fee or credit any overpayment to Deposit Account No. 50-0320.

Please amend this application as follows:

IN THE CLAIMS:

Please amend the claims as follows:

Claim 42, line 3, please replace "claim 32" with --claim 35--.

Please cancel claim 32, without prejudice or disclaimer.

REMARKS

Reconsideration and withdrawal of the objections to this application are respectfully requested in view of these amendments and remarks.

Claims 17, 18, 23, 32, 33, 35, 42, 43 and 45 to 53 were pending in this application.

In the Office Action mailed November 30, 1999, claim 35 was rejected under 37 C.F.R. 1.75 as being a substantial duplicate of claim 32. More specifically, the Office Action stated that claims 35 and 32 are duplicates or are so closely related in content that they cover the same thing, despite a slight difference in wording. Claims 32 and 35 are both directed to a transgenic microorganism or plant comprising cells of a microorganism or plant transformed with a vector of claim 48. In order to overcome the objection under 37 C.F.R. § 1.75, claim 32 was cancelled by Applicants in the Amendment After Final filed on February 23, 2000. Applicants reiterate the cancellation of claim 32 in this Amendment.

Accordingly, the rejection of claim 35 is rendered moot as the substantial duplicate claim 32 has been cancelled and no duplicate claims remain in this application.

In the Advisory Action mailed on March 17, 2000, the Examiner indicated that the Amendment After Final filed on February 23, 2000 was not entered because the cancellation of claim